IN THE

Supreme Court of the United States

October Term, 1941

No. 1230

FRANCIS E. WEIDHAAS,
Petitioner,
vs.
LOEW'S, INC. and
METRO GOLDWYN PICTURES CORPORATION,
Respondents.

MEMORANDUM FOR RESPONDENTS IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

This is a patent infringement suit involving the ordinary issues of validity and infringement.

The patent involved was held to be invalid for want of invention by the Second Circuit Court of Appeals (125 F. (2d) 544). There has been no other adjudication of the patent by any other Circuit Court of Appeals; therefore, there is no diversity of opinion between Circuit Courts of Appeals.

The petition for writ of certiorari sets forth no ground warranting the grant of the writ. Accordingly, the petition should be denied (*Keller* v. *Adams Campbell Co.*, 264 U. S. 314, 319; *Layne & Bowler Corp.* v. *Western Well Works*, 261

U. S. 387, 393; *General Talking Pictures Corp.* v. *Western Electric Co.*, 304 U. S. 175, 178-179).

Respectfully submitted,

LOEW'S, INC. and
METRO GOLDWYN PICTURES CORPORATION,

By SAMUEL E. DARBY, JR.,
Counsel for Respondents.

SAMUEL D. COHEN,
WALTER E. DARBY,
Of Counsel.